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PATENT APPLICATION

ATTORNEY DOCKET NO. ___10007291-1___

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kumar et al.

Application No.: 09/852,360

Filing Date: May 9, 2001

Confirmation No.: 4719

Examiner: Willilams, J.

Group Art Unit: 2137

Title: **SESSION MANAGEMENT FOR WIRELESS E-COMMERCE**

**Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450**

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on ___December 9, 2005___ .

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) $500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month $120   ☐ 2nd Month $450   ☐ 3rd Month $1020   ☐ 4th Month $1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of ___$ 500___ . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

Kumar et al.

By_____

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Rev 10/05 (AplBrief)

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FEB. 1 3 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KUMAR *et al.*	Examiner:	Williams, J.
Serial No.:	09/852,360	Group Art Unit:	2137
Filed:	May 9, 2001	Docket No.:	10007291-1
			(HPCO.038PA)
Title:	SESSION MANAGEMENT FOR WIRELESS E-COMMERCE		

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is an Appeal Brief submitted pursuant to 37 C.F.R. § 41.37 for the above-referenced patent application.

I. **Real Party in Interest**

The real party in interest is Hewlett-Packard Company having a place of business at 1501 Page Mill Road, Palo Alto, CA. The above referenced patent application is assigned to Hewlett-Packard Company.

II. **Related Appeals and Interferences**

Appellant is unaware of any related appeals, interferences or judicial proceedings.

III. **Status of Claims**

Claims 1-13 are rejected and are presented for appeal. The appealed claims are in the attached Appendix of Appealed Claims.

IV. **Status of Amendments**

No amendments have been made to the claims.

V. **Summary of Invention**

In the embodiment set forth in claim 1, a computer-implemented method is provided for managing sessions between mobile communication devices (FIG. 1, 102; p. 4, l. 7-14) and an application program (FIG. 1, 106; p. 4, l. 15-19) hosted on a data processing system with a gateway module (FIG. 1, 110; p. 4, l. 20-27) that is coupled to the mobile communications devices and to the application program. The method includes generating at the gateway module respective first session identifiers upon receipt of initial requests from the mobile communication devices at the gateway module (FIG. 1, 104, 108; p. 5, l. 1-8; FIG. 2, 202; p. 6, l. 6-8) and transmitting the first session identifiers to the application program (FIG. 1, 104, 106, p. 5, l. 1-8; FIG. 2, 212; p. 6, l. 16-17). The first session identifiers are associated with corresponding second session identifiers from the application program at the gateway module (FIG. 2, 208, 214; p. 6, l. 14-19). In response to subsequent communications from the mobile devices to the application program, the second session identifiers that are associated with the first session identifiers of the mobile devices of the subsequent communications are transmitted from the gateway module to the application program (FIG. 2, 216; p. 6, l. 19-22).

In claim 4, an apparatus is provided for managing sessions between mobile communication devices (FIG. 1, 102; p. 4, l. 7-14) and an application program (FIG. 1, 106; p. 4, l. 15-19) hosted on a data processing system. The apparatus comprises means for generating respective first session identifiers upon receipt of initial requests from the mobile communication devices (FIG. 1, 104, 108; p. 4, l. 20-27; p. 5, l. 1-8; FIG. 2, 202; p. 6, l. 6-8) and transmitting the first session identifiers to the application program (FIG. 1, 104, 106; p. 4, l. 15-17, l. 22-24; p. 5, l. 1-8; FIG. 2, 212; p. 6, l. 16-17); means for associating the first session identifiers with corresponding second session identifiers from the application program (FIG. 1, 110; p. 4, l. 20-27; p. 5, l. 8-9; FIG. 2, 208, 214; p. 6, l. 14-19; FIG. 2, 208, 214; p. 6, l. 14-19); and means for

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transmitting the second session identifiers that are associated with the first session identifiers of the mobile devices to the application program in response to and in association with subsequent communications from the mobile devices directed to the application program (FIG. 1, 104, 106; p. 4, l. 15-17, l. 22-24; FIG. 2, 216; p. 6, l. 19-22).

Another embodiment, as set forth in claim 5, provides a computer-implemented method for managing shopping sessions between wireless communication devices (FIG. 1, 102; p. 4, l. 7-14) and a merchant application (FIG. 1, 106; p. 4, l. 15-19) with a gateway module (FIG. 1, 110; p. 4, l. 20-27) that is coupled to the mobile communications devices and to the merchant application. This method comprises generating at the gateway module respective wireless session identifiers upon receipt of initial requests from the wireless communication devices at the gateway module (FIG. 1, 104, 108; p. 5, l. 1-8; FIG. 2, 202; p. 6, l. 6-8) and transmitting the wireless session identifiers to the merchant application (FIG. 1, 104, 106, p. 5, l. 1-8; FIG. 2, 212; p. 6, l. 16-17). Respective merchant session identifiers are generated at the merchant application for the wireless session identifiers (FIG. 3, 306; p. 7, l. 10-12), and the merchant session identifiers are transmitted to the gateway module (FIG. 3, 310; p. 7, l. 16-19). The wireless session identifiers are associated with corresponding merchant session identifiers at the gateway module (FIG. 2, 208, 214; p. 6, l. 14-19). In response to subsequent communications from the mobile devices to the merchant application, the merchant session identifiers that are associated with the wireless session identifiers of the mobile devices of the subsequent communications are transmitted from the gateway module to the merchant application (FIG. 2, 216; p. 6, l. 19-22).

Claim 10 sets forth an apparatus for managing shopping sessions between wireless communication devices (FIG. 1, 102; p. 4, l. 7-14) and a merchant application (FIG. 1, 106; p. 4, l. 15-19). The apparatus comprises means for generating respective wireless session identifiers upon receipt of initial requests from the wireless communication devices (FIG. 1, 104, 108; p. 4, l. 20-27; p. 5, l. 1-8; FIG. 2, 202; p. 6, l. 6-8) and transmitting the wireless session identifiers to the merchant application (FIG. 1, 104, 106; p. 4, l. 15-17, l. 22-24; p. 5, l. 1-8; FIG. 2, 212; p. 6, l. 16-17); means for

associating the wireless session identifiers with corresponding merchant session identifiers received from the merchant application (FIG. 1, 110; p. 4, l. 20-27; p. 5, l. 8-9; FIG. 2, 208, 214; p. 6, l. 14-19; FIG. 2, 208, 214; p. 6, l. 14-19); and means for transmitting the merchant session identifiers that are associated with the wireless session identifiers of the wireless devices to the merchant application in response to and in association with subsequent communications from the wireless devices directed to the merchant application (FIG. 1, 104, 106; p. 4, l. 15-17, l. 22-24; FIG. 2, 216; p. 6, l. 19-22).

In yet another embodiment, claim 11 sets forth a system for managing sessions between mobile communication devices (FIG. 1, 102; p. 4, l. 7-14) and an application program hosted on a data processing system (FIG. 1, 106; p. 4, l. 15-19). The system comprises a mobile interface (FIG. 1, 108; p. 4, l. 24-27) configured and arranged to connect with a plurality of mobile communication devices (FIG. 1, 102). A gateway (FIG. 1, 104; p. 4, l. 20-27) is coupled to the mobile interface and to the application program. The gateway is configured to generate respective first session identifiers upon receipt of initial requests from the mobile communication devices (FIG. 1, 104, 108; p. 4, l. 20-27; p. 5, l. 1-8; FIG. 2, 202; p. 6, l. 6-8), associate the first session identifiers with corresponding second session identifiers received from the application program (FIG. 1, 110; p. 4, l. 20-27; p. 5, l. 8-9; FIG. 2, 208, 214; p. 6, l. 14-19; FIG. 2, 208, 214; p. 6, l. 14-19), and transmit the second session identifiers that are associated with the first session identifiers to the application program in response to and associated with subsequent communications from the mobile devices to the application program (FIG. 1, 104, 106; p. 4, l. 15-17, l. 22-24; FIG. 2, 216; p. 6, l. 19-22).

VI. Grounds of Rejection

A.   Claims 1-5 and 10-13 stand rejected under 35 USC §102(a) as being anticipated by "Aziz" (US Patent No. 6,643,701 to Aziz et al.).

B.   Claims 6-9 stand rejected under 35 USC §103(a) as being unpatentable over Aziz in view of "Sparks" (US patent No. 6,167,382).

VII. Argument

A.   The rejection of claims 1-5 and 10-13 should be reversed because the Examiner has not shown that Aziz teaches all the limitations of the claims.

Claims 1, 2, 3, 4, 11, 12, and 13,

Claim 1 is directed to a method for managing sessions between mobile communication devices and an application program hosted on a data processing system with a gateway module that is coupled to the mobile communications devices and to the application program. The method includes generating at the gateway module respective first session identifiers upon receipt of initial requests from the mobile communication devices at the gateway module and transmitting the first session identifiers to the application program; associating the first session identifiers with corresponding second session identifiers from the application program at the gateway module; and in response to subsequent communications from the mobile devices to the application program, transmitting from the gateway module to the application program the second session identifiers that are associated with the first session identifiers of the mobile devices of the subsequent communications. These limitations are clearly not shown to be taught by Aziz.

Applicants maintain that Aziz's session keys do not reasonably correspond to the claimed first session identifier and second session identifier as explained in the Response dated June 15, 2005. Furthermore, even if the alleged correspondence were reasonable, the Examiner failed to show that Aziz teaches the limitations of, in response to subsequent communications from the mobile devices to the application program, transmitting from the gateway module to the application program the second session identifiers that are associated with the first session identifiers of the mobile devices of the subsequent communications. Aziz's teachings at col. 2, l. 56-65 and col. 8, l. 28-32, and 48-56 are cited as teaching these limitations. However, these teachings do not suggest transmitting the second session identifiers. The cited portions of Aziz apparently teach that in initiating a session resumption, a client may identify itself to the server and indicate that it will continue to use the agreed upon keys from the previous handshaking. Thus, Aziz has no apparent need for, or suggestion of, transmitting a second session identifier associated with a first session identifier from the client to the server.

The Examiner asserts that Aziz's session keys correspond to the claimed first session identifier and second session identifier. However, Aziz's session keys do not identify a session. Rather, Aziz clearly teaches that a session key is used to securely transmit information within a session. The Examiner incorrectly asserts that "One particular session of communication, out of many sessions, may be identified by the product of the key and the encrypted communications." This assertion is incorrect because the server must first determine which of the session keys to use for decryption before it can decrypt the data it receives. Aziz is understood to not receive an encryption key along with encrypted data. Thus, Aziz apparently uses some other mechanism to determine the correct session key before decrypting the received data. Furthermore, the Examiner's analogy of using a key to unlock a door to reveal an object behind a door fails to establish a correspondence of Aziz' session keys to the claimed first and second session identifiers.

Aziz' session keys are used to decrypt data within session. But the session keys alone do not identify the sessions. Decrypted data within a session does not identify the session. For example, if there are multiple transmissions of different data sets within a session the session would not reasonably be understood to have multiple identities. Likewise, the transmission of the same data in two different sessions would not result in the sessions having the same identity. Therefore, Aziz's session keys are not shown to correspond to the claimed first and second session identifiers, nor is Aziz's use of session keys shown to correspond to the claimed use of the first and second identifiers.

Claims 2 and 3 depend from claim 1 and are not shown to be anticipated for at least the reasons set forth above. Claim 4 is an apparatus claim and claim 11 is a system claim, each including functional limitations similar to those of claim 1. Thus, claims 4 and 11 are not shown to be anticipated for at least the reasons set forth above. Claims 12 and 13 depend from claim 11 and are not shown to be anticipated for at least the reasons set forth above.

Claims 5 and 10,

Claim 5 is an independent method claim that includes the limitations of claim 1 along with additional limitations of wireless session identifiers and merchant session identifiers. These additional limitations are not addressed in the Office Actions and are not understood to be suggested by the cited prior art. Therefore, claim 5 is not shown to be anticipated. Claim 10 is an apparatus claim that includes functional limitations similar to those of claim 5. Thus, claim 10 is not shown to be anticipated by Aziz.

The rejection of claims 1-5 and 10-13 should be reversed because the alleged correspondences of Aziz teachings to the claim limitations are clearly in error, and therefore, the limitations are not shown to be taught by the prior art.

B.   The rejection of claims 6-9 should be reversed because the Examiner has not established a *prima facie* case of obviousness with the Aziz-Sparks combination.

The Examiner's alleged correspondences of elements of the Aziz-Sparks combination to the claim limitations are clearly in error. In addition, the Examiner failed to provide evidence that supports making the Aziz-Sparks combination.

<u>Claims 6 and 7</u>

Among other limitations claim 6 includes limitations of receiving checkout requests from the wireless communication devices at the gateway module and transferring the checkout requests to a wallet module that manages user authentication. The Examiner cited Sparks' col. 2, l. 36-49. However, there is no apparent element in this portion of Sparks that corresponds to the gateway module at which checkout requests are received. Nor is there any apparent element that corresponds to the claimed wallet module to which the checkout requests are sent. The Examiner has not provided any clarification in response to the apparent lack of elements corresponding to the claim limitations. Thus, the limitations of claim 6 are not shown to be suggested by the Aziz-Sparks combination.

The alleged motivation for combining Sparks with Aziz is unsupported by evidence and improper. The alleged motivation states that "it would have been obvious ... to combine electronic commerce features, such as those disclosed by Sparks, with the generic system of Aziz for establishing communications because it is obvious that a

generic system designed to enhance electronic commerce (Aziz, col. 1, lines 42-47) would need to features to enable electronic commerce." There is no evidence presented to indicate that Spark's teachings are needed in Aziz as the alleged motivation states. Furthermore, the Examiner fails to provide any evidence that alternatives to Sparks' teachings would not work with Aziz. Thus, the Examiner has failed to show that Sparks' teachings are needed in Aziz as alleged, and the alleged motivation fails to support a *prima facie* case of obviousness.

Claim 7 depends from claim 6 and is not shown to be unpatentable for at least the reasons set forth above.

Claims 8 and 9

Claim 8 depends from claim 7 and includes further limitations of: in response to a payment request from a wireless communications device, transmitting the payment request from the gateway module to the merchant application, disassociating the wireless session identifier from the corresponding merchant session identifier, and generating a new wireless session identifier for the wireless communications device when another initial request is received from the wireless communications device. The cited teachings of Aziz do not reasonably correspond to the limitations of disassociating the wireless session identifier from the corresponding merchant session identifier. Specifically, Aziz' col. 2, l. 57-67 discusses session resumption using the agreed upon keys from a previous session. Thus, there is no apparent disassociating as claimed. Also, Aziz' col. 6, l. 45-55 apparently discusses the workload on the Aziz' relay in handling new handshake sessions and handshake session resumption. Again, there is no apparent correspondence to the claim limitations.

Claim 9 depends from claim 8 and is not shown to be unpatentable for at least the reasons set forth above.

The rejection of claims 6-9 over the Aziz-Sparks combination should be reversed because the allegation that the generally cited teachings of the Aziz-Sparks combination suggest the claim limitations is clearly in error, and the alleged motivation for making the combination does not support a *prima facie* case of obviousness.

VIII. Conclusion

In view of the above, Appellant submits that the rejections are improper, the claimed invention is patentable, and that the rejections of claims 1-13 should be reversed. Appellant respectfully requests reversal of the rejections as applied to the appealed claims and allowance of the entire application.

Respectfully submitted,

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APPENDIX OF APPEALED CLAIMS
FOR APPLICATION NO. 09/852,360

1.   A computer-implemented method for managing sessions between mobile communication devices and an application program hosted on a data processing system with a gateway module that is coupled to the mobile communications devices and to the application program, comprising:

generating at the gateway module respective first session identifiers upon receipt of initial requests from the mobile communication devices at the gateway module and transmitting the first session identifiers to the application program;

associating the first session identifiers with corresponding second session identifiers from the application program at the gateway module; and

in response to subsequent communications from the mobile devices to the application program, transmitting from the gateway module to the application program the second session identifiers that are associated with the first session identifiers of the mobile devices of the subsequent communications.

2.   The method of claim 1, further comprising:

receiving requests of a first type from the mobile devices at the gateway module and transferring the first type requests to an authentication module that manages user authentication; and

when a user at a mobile device has not logged-in to the authentication module, transmitting a log-in prompt from the authentication module to the mobile device in response to a request of the first type from the mobile device.

3.   The method of claim 2, further comprising generating at the authentication module respective authentication identifiers for the first session identifiers and associating the authentication identifiers with corresponding first session identifiers.

4.   An apparatus for managing sessions between mobile communication devices and an application program hosted on a data processing system, comprising:

means for generating respective first session identifiers upon receipt of initial requests from the mobile communication devices and transmitting the first session identifiers to the application program;

means for associating the first session identifiers with corresponding second session identifiers from the application program; and

means for transmitting the second session identifiers that are associated with the first session identifiers of the mobile devices to the application program in response to and in association with subsequent communications from the mobile devices directed to the application program.

5. A computer-implemented method for managing shopping sessions between wireless communication devices and a merchant application with a gateway module that is coupled to the mobile communications devices and to the merchant application, comprising:

generating at the gateway module respective wireless session identifiers upon receipt of initial requests from the wireless communication devices at the gateway module and transmitting the wireless session identifiers to the merchant application;

generating at the merchant application respective merchant session identifiers for the wireless session identifiers and transmitting the merchant session identifiers to the gateway module;

associating the wireless session identifiers with corresponding merchant session identifiers at the gateway module; and

in response to subsequent communications from the mobile devices to the merchant application, transmitting from the gateway module to the merchant application the merchant session identifiers that are associated with the wireless session identifiers of the mobile devices of the subsequent communications.

6. The method of claim 5, further comprising:

receiving checkout requests from the wireless communication devices at the gateway module and transferring the checkout requests to a wallet module that manages user authentication;

when a user at a wireless communications device has logged-in to the wallet module, transmitting payment options from the wallet module to the wireless communications device in response to a checkout request from the wireless communications device; and

when a user at a wireless communications device has not logged-in to the wallet module, transmitting a log-in prompt from the wallet module to the wireless communications device in response to a checkout request from the wireless communications device.

7.   The method of claim 6, further comprising generating at the wallet module respective wallet session identifiers for the wireless session identifiers and associating the wallet session identifiers with corresponding wireless session identifiers in a wallet session identifier table.

8.   The method of claim 7, further comprising, in response to a payment request from a wireless communications device, transmitting the payment request from the gateway module to the merchant application, disassociating the wireless session identifier from the corresponding merchant session identifier, and generating a new wireless session identifier for the wireless communications device when another initial request is received from the wireless communications device.

9.   The method of claim 8, further comprising clearing inactive entries from the wallet session identifier table.

10.   An apparatus for managing shopping sessions between wireless communication devices and a merchant application, comprising:

means for generating respective wireless session identifiers upon receipt of initial requests from the wireless communication devices and transmitting the wireless session identifiers to the merchant application;

means for associating the wireless session identifiers with corresponding merchant session identifiers received from the merchant application; and

means for transmitting the merchant session identifiers that are associated with the wireless session identifiers of the wireless devices to the merchant application in response to and in association with subsequent communications from the wireless devices directed to the merchant application.

11. A system for managing sessions between mobile communication devices and an application program hosted on a data processing system, comprising:

a mobile interface configured and arranged to connect with a plurality of mobile communication devices;

a gateway coupled to the mobile interface and to the application program, the gateway configured to generate respective first session identifiers upon receipt of initial requests from the mobile communication devices, associate the first session identifiers with corresponding second session identifiers received from the application program, and transmit the second session identifiers that are associated with the first session identifiers to the application program in response to and associated with subsequent communications from the mobile devices to the application program.

12. The system of claim 11, further comprising an authentication module coupled to the mobile interface and to the gateway, the authentication module configured to transmit a log-in prompt to a mobile device in response to a request of the first type from the mobile device.

13. The system of claim 12, wherein the authentication module is further configured to generate respective authentication identifiers for the first session identifiers and associate the authentication identifiers with corresponding first session identifiers.

APPENDIX OF EVIDENCE FOR
APPLICATION NO. 09/852,360

Appellant is unaware of any evidence submitted in this application pursuant to 37 C.F.R. §§ 1.130, 1.131, and 1.132.

APPENDIX OF RELATED PROCEEDINGS FOR
APPLICATION NO. 09/852,360

Appellant is unaware of any related appeals, interferences or judicial proceedings.